



The Orissa Higher Secondary Education Act, 1982

Act 19 of 1982

Keyword(s):

Affiliated Institution, College, Examination, Headmaster, Higher Secondary Course, Higher Secondary Education, Higher Secondary School, Junior College, Principal, Registered Teacher, Text-Book, University

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ORISSA ACT 19 OF 1982

THE ORISSA HIGHER SECONDARY EDUCATION ACT, 1982

PREAMBLE

SECTIONS

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***THE ORISSA HIGHER SECONDARY EDUCATION ACT, 1982**

[Orissa Act 19 of 1982]

(Secs. 1-2)

[Received the assent of the Governor on the 23rd October 1982 first]
Published in an extraordinary issue of the Orissa Gazette, dated the
23rd October 1982]

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A COUNCIL TO REGULATE,
CONTROL AND DEVELOP HIGHER SECONDARY EDUCATION
IN THE STATE OF ORISSA

Be it enacted by the Legislature of the State of Orissa in the thirty-third
year of the republic of India, as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Orissa Higher Secondary Education
Act, 1982.

(2) It extends to the whole of the State of Orissa.

(3) It shall be deemed to have come into force with effect from the 7th
day of September, 1982.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "academic year" means the year commencing on the first day of June;

(b) "affiliated institution" means any institution affiliated to the Council
whether in whole or in part;

(c) "college" means a College affiliated to any University;

(d) "Committee" means a Committee of the Council;

(e) "Council" means the Council of Higher Secondary Education constituted
under section 3 ;

(f) "Examination" means an examination conducted by the Council;

(g) "Government" means the Government of the State of Orissa;

(h) "Headmaster" means the head of the teaching staff of a Higher Secondary
School by whatever name he may be designated;

(i) "Higher Secondary Course" means course immediately following the High
School Certificate course and covering a period of two academic years which
is provided for either in a college or a Higher Secondary School and
includes Arts, Science, Commerce and Vocational Courses;

(j) "Higher Secondary Education" means such general and Vocational educa-
tion forming in itself a complete purposive whole which immediately follows
Secondary Education as has been defined in the Orissa Secondary
Education Act, 1952 and immediately precedes a stage of education controlled
by any University;

Orissa Act
10 of 1953.

(k) "Higher Secondary School" means an Educational institution preparing
candidates for the examination of the Council and recognised as such by
the Council, but does not include for the purpose of this Act and the
Regulations made thereunder that part of the institution which prepares
candidates for examinations other than Higher Secondary Examination;

* For Statement of Objects and Reasons see Orissa Gazette, Extraordinary, dated the 22nd
September 1982 (No. 1371).

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(Secs. 2-3)

- (i) "Junior College" means any educational institution established or maintained by Government or by any Association of individuals and recognised by the Council as providing courses of study qualifying students for admission to the Higher Secondary Examination in accordance with the Regulations and includes a College or part of a College which prepares candidates for such examination;
- (m) "prescribed" means prescribed by the regulations made under the Act;
- (n) "principal" means the head of the teaching staff of a college by whatever name he may be designated;
- (o) "registered teacher" means a teacher who is registered in pursuance of the regulations made in that behalf;
- (p) "recognition" means a recognition for the purposes of admission to the privileges of the Council, including its examinations and "recognise" with its grammatical variations shall be construed accordingly;
- (q) "Regulations" means the regulations made under this Act;
- (r) "text-book" means any book prescribed or recommended for the examination in accordance with the regulations;
- (s) "University" means the Utkal University, Berhampur University, Sambalpur University, Orissa University of Agriculture and Technology, Shri Jagannath Sanskrit Vishwavidyalaya and such other University as may be established by law.

Constitution
of the Council.

3. (1) Government shall constitute a Council called the Council of Higher Secondary Education.

(2) The Council shall be a body corporate with perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and subject to the provisions of this Act, to transfer any property held by it and to contract and do all other things necessary for the purposes of its constitution and may sue or be sued in its corporate name.

(3) The Council shall consist of the following members, namely:—

(a) *ex officio* Members—

(i) Chairman;

(ii) Vice-Chairman (if appointed),

(iii) Director of Public Instruction (Higher Education), Orissa,

(iv) Director of Public Instruction (Schools), Orissa,

(v) President, Board of Secondary Education, Orissa

(vi) Director of Technical Education and Training, Orissa,

(vii) Principal, Regional College of Education, Bhubaneswar

(viii) Director, State Council of Educational Research and Training, Orissa

(ix) Principal, College of Physical Education, Cuttack

(x) Director, National Cadet Corps or his nominee

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[Orissa Act 19 of 1982]

(Secs. 4-5)

(b) Members to be nominated by Government—

- (i) a representative of the Education and Youth Services Department not below the rank of a Deputy Secretary;
- (ii) a representative of the Finance Department not below the rank of a Deputy Secretary;
- (iii) ten Principals of Colleges including Junior Colleges, if any;
- (iv) five Headmasters of Higher Secondary Schools to the extent available;
- (v) ten registered teachers of recognised Colleges including Junior Colleges;
- (vi) five registered teachers of Higher Secondary Schools to the extent available;
- (vii) three Circle Inspectors of Schools;
- (viii) not more than ten specialists in vocational subjects prescribed for the Higher Secondary Course.

(c) Elected Members—

- (i) three members of the Orissa Legislative Assembly to be elected from among themselves;
- (ii) one representative from each of the Universities in the State to be elected by the members of the respective Academic Councils from among themselves;
- (iii) one representative of the Board of Secondary Education to be elected by the members of the Board.

(4) The Council may co-opted persons not exceeding five, as extraordinary members for any special purpose.

(5) Notwithstanding anything contained in this Act, for the purpose of constituting the Council for the first time, the members specified in clause (c) of sub-section (3) shall be nominated by the Government, so far so may be, from among persons belonging to the categories specified in items (i) to (iii) of that clause and the members so nominated shall hold office for a period of two years.

Term of office of members and filling up of vacancies etc.

4. (1) Members other than *ex officio* and co-opted members shall hold office for a term of five years from the date of the notification under section 5.

(2) The term of office of co-opted members shall be one year from the date of co-option.

(3) When the term of office of members (other than *ex officio* members), has expired, the vacancies so caused shall be filled up as soon as may be and to this end all necessary steps shall be taken by the Secretary of the Council within six months before the expiry of the said term of office:

Provided that the term of office of the outgoing members shall be deemed to extend to and expire with the date on which the names of their successors, elected or nominated as the case may be, are notified under section 5.

Publication of members.

5. The names of persons elected, nominated or co-opted to be members of the Council shall be notified in the Gazette.

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[Orissa Act, 19 of 1982]

(Secs. 6—10)

Disqualifica-
tion for
membership.

6. A person shall be disqualified for being elected, nominated or co-opted as a member of the Council, if he:—

- (a) is on the date of election, nomination or co-option, of unsound mind or a mute or deaf; or
- (b) is an uncertified bankrupt or undischarged insolvent; or
- (c) has been convicted and sentenced by a Criminal Court to imprisonment for an offence involving moral turpitude; or
- (d) has any share or interest in any book published or republished which is intended to be prescribed or recommended as a text book for the Higher Secondary Course; or
- (e) has any share or interest in the business of the Publisher of such book; or
- (f) has any share or interest in any work done by order of or in any contract entered into on behalf of the Council.

Vacancies

7. (1) If any member (other than an *ex officio* member) of the Council absents himself from three consecutive meetings of the Council without permission of the Chairman of the Council, the office held by him shall thereupon become vacant.

(2) If any member of the Council becomes subject to any of the disqualification under section 6, his office shall thereupon become vacant.

(3) Any vacancy caused in pursuance of sub-section (1) or (2) shall be published by the Council in the Gazette.

Removal
from
membership

8. (1) The Government may on the recommendation of the Council remove any member of the Council if he has been convicted by a court of law of any offence which in the opinion of the Council is a serious offence involving moral turpitude or if he is found guilty of gross misconduct:

Provided that no recommendation for the removal of any member shall be made by the Council unless the person concerned is given a reasonable opportunity of being heard.

(2) The name of any member who has been removed from the Council under sub-section (1) shall be published in the Gazette.

Acceptance
of resigna-
tion.

9. (1) No resignation tendered by a member of the Council other than elected members shall be valid until it has been accepted by the Government and no resignation tendered by a member of a Committee appointed under section 21 shall be valid until it has been accepted by the Chairman of the Council.

(2) An elected member may resign his seat by writing under his hand addressed to the Chairman and his seat shall thereupon become vacant.

Filling up of
casual
vacancies.

10. All casual vacancies arising by reason of disqualification, death, removal or resignation among the members of the Council, other than *ex officio* members shall be filled up as soon as may be by election, nomination, or co-option as the case may be, and the person so elected, nominated or co-opted shall hold office for the unexpired portion of the term of his predecessor in office.

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[Orissa Act 19 of 1982]

(Sec. 11)

Powers and
functions of
the Council.

11. Subject to the provisions of this Act, the Council shall have the following powers and functions, namely:—

- (a) to prescribe courses of instruction for recognised institutions in such branches of Higher Secondary Education as it may think fit ;
- (b) to take steps to co-ordinate Higher Secondary Education with University Education on the one side and Secondary Education on the other ;
- (c) to make regulations for the purpose of prescribing and recommending any book as a text-book or a handbook or to undertake compilation and publication of such book ;
- (d) to make regulations for imposing penalties for acts of misconduct of students, teachers, examiners, examinees, printers of Text-Books or question papers or persons connected with the examinations of the Council ;
- (e) to conduct examinations based on such courses as may be prescribed ;
- (f) to admit candidates to its examinations in accordance with the regulations ;
- (g) to publish the results of its examinations ;
- (h) to grant diplomas and certificates to successful candidates ;
- (i) to establish, control, regulate or administer any Junior College or any Higher Secondary School subject to the approval of the Government ;
- (j) to bring about practical co-ordination between State owned Industrial Institutes, Factories or Workshops or Vocational institute, Agricultural Farms, Animal Husbandry Centres or Pisciculture Institute and the Higher Secondary Schools or Junior Colleges providing for vocational courses by way of providing adequate and systematic practical training which will be complementary to the theoretical instruction at the schools or colleges ;
- (k) to call for reports from the Directorate of Public Instruction on the conditions of the recognised institutions or of institutions, applying for recognition and to direct inspection of such institutions ;
- (l) to recognise institutions for the purpose of admitting them to the privileges of the Council including examinations conducted by it ;
- (m) to lay down the qualifications of teachers required to teach the subjects included in the courses of study in different branches of Higher Secondary Education, the work-load of such teachers and the number of working days in an academic year and other matters incidental thereto ;
- (n) to adopt measures to promote the intellectual, physical, moral and social welfare of the students of the recognised institutions and to supervise and control the conditions of their residence, health and discipline ;
- (o) to institute and award scholarships, medals and prizes according to a scheme or schemes framed by the Council ;
- (p) to demand and receive such fees as may be prescribed ;
- (q) to administer funds placed at its disposal for the purposes for which they are intended or generally for the purposes of the Council ;

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(Secs. 11-13)

- (r) to submit annual accounts and balance-sheet together with the annual report of the Council to the Government and to publish the audited accounts and balance-sheet in the Gazette ;
- (s) to submit to Government its views on any matter with which it is concerned ;
- (t) to take measures to provide para Military education, opportunities to organise social services and such other activities as the Council considers necessary to inculcate in the minds of the students enrolled in recognised institutions a high sense of citizenship and to train and prepare them to discharge their civic obligations effectively ;
- (u) to furnish to Government such reports and returns and statements as may be prescribed by regulations and such other information relating to any matter under the control of the Council as the Government may require.
- (v) to maintain a library of its own ;
- (w) to have an Information Cell for dissemination of information about the activities of the Council, employment opportunities of different vocations and fields in higher general and professional studies ;
- (x) to acquire, hold and dispose of property, both movable and immovable, for the purposes of the Council and enter into agreements therefor ;
- (y) to maintain register of teachers and register of students admitted to the Higher Secondary Course.

Officers of
Council.

12. (1) The following shall be the officers of the Council, namely :—

- (i) Chairman ;
- (ii) Vice-Chairman ;
- (iii) Secretary ;
- (iv) Controller of Examinations ;
- (v) Finance Officer ;
- (vi) Deputy Secretary ;
- (vii) Deputy Controller of Examinations ;
- (viii) Assistant Secretary ;
- (ix) Assistant Controller of Examinations ;
- (x) Chief Librarian-cum-Information Officer ; and
- (xi) Such other officers as may be declared by Government from time to time.

Academic
staff of the
Council.

13. (1) The Council may have academic staff consisting of the following, namely :—

- (a) subject experts,
- (b) Teachers of institutions established and managed by the Council.

(2) Persons belonging to the academic staff shall remain in charge of academic programmes, teaching and such other duties of academic nature as may be assigned to them by the Council.

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[Orissa Act 19 of 1982]

(Secs. 14-17)

Chairman
and his
powers and
functions.

14. (1) The Chairman, shall be appointed by the Government on such terms and conditions as they may determine and he shall be either a whole-time or a part-time officer of the Council.

(2) The executive authority of the Council shall vest in the Chairman and it shall be his duty to see that the provisions of this Act and the Regulations made thereunder are faithfully carried out and he shall have all powers necessary for that purpose.

(3) The Chairman shall have power to convene meetings of the Council and call a meeting at any time after due notice on a requisition stating the business to be brought before the meeting signed by not less than one-third of the total number of members of the Council.

(4) When any emergency arising out of the administrative business of the Council requires in the opinion of the Chairman that immediate action should be taken, the Chairman shall take such action as he deems necessary and report his action to the Council in its next meeting.

Vice Chair-
man and
his func-
tions.

(5) The Chairman shall exercise such other powers as may be prescribed.

15. (1) The Vice-Chairman shall be appointed by the Government on such terms and conditions as they may determine and he shall be either a whole time or a part-time officer of the Council.

(2) The Chairman may delegate such of the powers conferred upon him by or under this Act to the Vice-Chairman as he considers necessary.

(3) The powers so delegated may at any time be withdrawn and the Vice-Chairman shall, in exercising the powers so delegated, be subject to the control of the Chairman.

Conduct of
meeting.

16. The Chairman and in his absence the Vice-Chairman and in the absence of both, a member elected from among those present shall preside at every meeting of the Council or of any Committee of which the Chairman or the Vice-Chairman is a member, and the person so presiding shall be entitled to exercise a second or casting vote in every case where the votes are equally divided.

Appointment
of Secretary
and his
functions.

17. (1) The Secretary shall be appointed by the Government amongst members of the Orissa Education Service in Class I on such terms and conditions as they may determine.

(2) The Secretary shall—

- (a) manage the properties and investments of the Council;
- (b) remain in custody of the properties and funds of the Council;
- (c) execute all contracts on behalf of the Council;
- (d) subject to the control of the Chairman, be the Head of the office of the Council;
- (e) maintain the minutes of the meetings of the Council and its committees;
- (f) generally render such assistance to the Chairman as may be desired by him in the performance of his duties;
- (g) exercise and perform such other powers and duties as may be prescribed.

(3) The Secretary shall have the right to speak and otherwise take part in the proceedings at a meeting of the Council and the Executive Committee but shall not be entitled to vote.

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[Orissa Act 19 of 1982]

(Secs. 18—21)

Controller of
Examina-
tions.

18. (1) The Controller of Examinations shall be appointed by the Government from amongst members of the Orissa Education Service in Class I on such terms and conditions as they may determine.

(2) The Controller of Examinations shall—

- (a) remain in charge of all examinations;
- (b) act as Secretary to the Examination Committee;
- (c) exercise such other powers and duties as may be prescribed.

Finance
Officer.

19. (1) The Finance Officer shall be appointed by Government from amongst members of the Orissa Finance Service in Class I on such terms and conditions as they determine.

(2) The Finance Officer shall—

- (a) be responsible for proper investment of the funds of the Council;
- (b) exercise general supervision of such funds;
- (c) tender advice with regard to financial transaction of the Council;
- (d) be responsible for preparation and presentation of the annual financial estimates and statement of accounts to the Council;
- (e) act as Secretary to the Finance Committee; and
- (f) exercise such other powers and perform such other functions as may be prescribed.

Other Officers.

20. (1) All other officers including members of the academic staff enjoying same scale of pay as officers in Class II under the Government shall be appointed by the Chairman in consultation with the Executive Committee.

(2) All other employees shall be appointed by the Chairman in accordance with the procedure prescribed in that behalf.

(3) The officers mentioned in sub-section (1) shall exercise such powers and perform such functions as may, from time to time, be assigned to them by the Chairman.

Committees.

21. (1) The Council shall have the following committees, namely:—

- (a) Academic Committee;
- (b) Executive Committee;
- (c) Recognition Committee;
- (d) Examination Committees;
- (e) Finance Committee;
- (f) Syllabus Committee; and
- (g) Such other Committees as may be prescribed.

(2) Every such Committee shall consist of such number of member as may be prescribed.

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[Orissa Act 19 of 1982]

(Secs. 21—28)

(3) The member of the Committees, except *ex officio* members, shall hold office for a period of three years.

(4) The member of the syllabus committee shall be appointed by the Executive Committee and members of all other committees shall be appointed by the Council. All such appointments shall be made in the prescribed manner.

(5) When a person ceases to be a member of the Council, he shall automatically cease to be a member of the Committee if he held membership of such committee by virtue of his being a member of the Council.

(6) The power and functions of the Committees shall be as may be prescribed.

(7) Save as otherwise provided, the provisions contained in sections 6, 7, 8, 9 and 10 shall apply, *mutatis mutandis*, to the Committees in regard to disqualification for membership, removal from membership, resignation and casual vacancies.

Exercise of power delegated by the council to the Committees.

22. If the Council exercise any powers conferred on it by this Act in any matter which have been delegated, by the Council to a Committee by a regulation, the Council before exercising any such power shall receive and consider the report of the Committee with respect to the matter in question.

Proceedings not to be invalid by reasons of casual vacancy.

23. No act or proceeding of the Council or of a Committee thereof shall be invalid merely by reason of the existence of any casual vacancy among its members.

Procedure for holding meetings of the Council and

24. Procedure for holding meetings of the Council and the Committees shall be as may be prescribed.

Committees. Constitution of the Council Fund.

25. The Council shall have a fund called the Council fund to which shall be credited:—

(i) its income from fees, endowments, donations and grants, if any;

(ii) contributions which may be made by the Government on such conditions as they may impose; and

(iii) receipts from other sources.

Custody and investment of the Council Fund.

26. All moneys at the credit of the Council Fund shall be kept in any Bank as the Council may determine:

Provided that nothing in the section shall be deemed to preclude the Council from investing with the previous sanction of the Government, any such moneys as are not required for immediate expenditure in any of the securities described in section 20 of the Indian Trusts Act, 1882 or placing them in fixed deposits in a Bank as determined by the Council. 2 of 1982

Application of council Fund.

27. Subject to the provisions of this Act, the Council Fund shall be applicable only to the payment of the charges and expenses incidental to the several matters specified in this Act and to any other purposes for which powers are conferred or duties are imposed upon the Council by or under this Act.

Audit and Accounts.

28. (1) The accounts of the Council shall, once at least in every year and at intervals of not more than fifteen months, be audited in accordance with the provisions of the Orissa Local Fund Audit Act, 1948.

Orissa Act
5 of 1948.

(2) The Council shall keep accounts of its receipts and expenditure in such manner and form as may be prescribed.

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[Orissa Act 19 of 1982]

(Secs. 29-30)

Foundation
Fund.

29. (1) The Council shall have a fund called the Foundation Fund.

(2) The Foundation Fund shall consist of —

- (a) a sum of not less than rupees two lakhs which shall be given to it by the Government ;
- (b) any contribution to the fund which may be made by the Government, any Local Authority or other Public Body or by any other Government or person; and
- (c) any contribution to the fund made by the Council.

(3) The Foundation Fund shall be invested in securities issued or guaranteed by the Central Government or by any State Government and such investment shall not be varied without the consent of the Chairman.

(4) The corpus of the Foundation Fund shall be kept in tact but the interest thereof may be utilised for the purposes of the Council.

(5) The expenditure incurred on account of clause (a) of sub-section (2) shall be an expenditure charged on the Consolidated Fund of the State.

Regulations .

30. (1) Subject to the provisions of this Act, the * Regulations may provide for all or any of the following matters:—

- (a) the manner of co-opting persons as members of the Council, the convening and holding of meetings of the Council and its Committees, the time and place at which such meetings shall be held and the conduct of business thereat;
- (b) the constitution, powers and duties of the Committees specified in section 21
- (c) any other function not specified in this Act to be performed by the Chairman ;
- (d) the conditions of recognition of institutions for the purposes of admission to the privileges of the Council including its examinations ;
- (e) the admission of institutions to the privilege of recognition and the withdrawal of recognition ;
- (f) the standards of staff, equipment, accommodation and other facilities any affiliated institution ;
- (g) the courses of study including practical training, if any, and the period thereof, and the medium of instruction, the eligibility for admission of students to the courses of study in different branches of Higher Secondary Education ;
- (h) the fees for admission to the examination of the Council ;
- (i) the conduct of examinations ;
- (j) the appointment of examiners, their duties and powers, their qualification in relation to the examinations and the remuneration payable to them ;
- (k) the conferment of diplomas and certificates ;

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(Secs. 31—33)

- (1) the allowances payable to the members of the Council and its Committees for attending meetings ;
- (m) the control, administration, safe custody and management in all respects of the finances of the Council ;
- (n) the co-ordination of Agricultural Farms, Industrial or Vocational Institutes, Animal Husbandry Centres, Pisciculture Centres, Technical Institutes, Professional Colleges, with the Higher Secondary Schools or Colleges as and where necessary ;
- (o) all other matters which by this Act are to be or may be provided for by Regulations.

(2) The first Regulations shall be framed by the Government.

(3) The Government and, subject to the provisions contained in sub-sections (4) and (5), the Council, may, from time to time, make new or additional Regulations or may amend or repeal any Regulation.

(4) Every new Regulations or addition to the Regulation or amendment to or repeal of any Regulation made by the Council shall be submitted to the Governments who may either disallow it or allow it with or without modifications.

(5) No Regulation or addition to the Regulations or amendment or repeal of any Regulation made by the Council shall have validity until allowed by Government.

Members of
the Council,
etc. to be
Public
Servants.

31. (1) The members of the Council and its Committees, Examiners, Invigilator Officers and other employees of the Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1960

(2) An assault or use of criminal force to an Examiner, Invigilator or any other person employed in connection with the examinations conducted by the Council within a period of one month prior to the commencement of the examination, during the course of the examination and within three months immediately following such examination shall be deemed to be an obstruction caused to a public servant in the discharge of his public functions and shall be a cognizable offence.

Indemnity.

32. No suit, prosecution or other legal proceedings whatsoever shall lie against any person for anything in good faith done or intended to be done under this Act.

Powers of
Government.

33. (1) The Government shall have the right to address the council with reference to anything conducted or done by the Council and to communicate to the Council their views on any matter with which the Council is concerned.

(2) The Council shall report to the Government such action, if any, as it proposes to take or has taken on the communication and shall furnish an explanation if it fails to take action.

(3) If the Council does not within a reasonable time take action to the satisfaction of the Government, the Government may, after considering any explanation furnished or representation made by the Council, issue such directions consistent with this Act and the Regulations made thereunder as they may think fit and the Council shall comply with such directions.

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[Orissa Act 19 of 1982]

(Secs. 33-34)

(4) When any emergency in the opinion of Government requires that immediate action should be taken, the Government may take such action consistent with this Act and the Regulations made thereunder as they deem necessary without previous consultation with the Council and shall forthwith inform the Council of the action taken.

(5) The Government may, by order in writing specifying the reasons, therefore, suspend the execution of any resolution or order of the Council, the Executive Committee, or any other Committee constituted under this Act and prohibit the doing of any Act which purports to be done or intended to be done under this Act, if the Government, after calling for a report from the Council and considering the same, are of opinion that such resolution, order or Act is in excess of the powers conferred by or under this Act upon the Council, the Executive Committee or such other Committee, as the case may be.

(6) In the event of any difference of opinion between the Chairman and the Council or any of its committees on any matter the same shall be referred to Government for decision which shall be final.

(7) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct of the Council and also cause an enquiry to be made in respect of any matter connected with the Council. The Government shall in every such case give notice to the Council of their intention to cause such inspection or enquiry to be made and the Council shall be entitled to be represented thereat.

(8) The Government shall forward to the Chairman of the Council a copy of the inspection report for obtaining the views of the Council and on receipt of such views the Government may issue such instructions as they consider necessary and fix a time-limit for action to be taken by the Council.

Provided that Government may, for sufficient cause shown by the Council, extend the time-limit by such period as they may deem fit.

(9) Where action has not been taken by the Council to the satisfaction of Government within the time fixed or extended by them under sub-section (8), they may after considering any explanation furnished or representation made by the Council, issue such directions as they may think fit and the Council shall comply with such directions.

(10) The Government may by order in writing direct the Council to pay out of the Council Fund, the salaries and allowances to its Chairman, Vice-Chairman, Secretary, Controller of Examination and the Finance Officer.

Dissolution
of the
Council.

34. (1) Where Government are satisfied that the Council has failed to exercise its powers or to perform its functions or has exceeded or abused any of the powers conferred on it by or under this Act they may dissolve the Council with effect from a specified date by an order to be notified in the Gazette and take over the management of the Council and appoint an officer to be the Administrator of the Council.

(2) With effect from the date specified for the dissolution of the Council under sub-section (1), all the members of the Council and Committees including the Chairman and the Vice-Chairman shall forthwith be deemed to have vacated their offices as such.

(3) The powers and functions of the Council, its committees (other than the syllabus committee) and of the Chairman shall, during the period of dissolution, be exercised and performed by the Administrator.

(4) Every order of dissolution made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature.

(5) The Council shall be reconstituted within a period of one year from the date of its dissolution.

THE ORISSA HIGHER SECONDARY EDUCATION ACT, 1982

[Orissa Act 19 of 1992]

(Secs. 35-38)

Power to
remove
difficulties.

35. If any difficulty arises in giving effect to the provisions of this Act, Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty:

Provided that no order shall be issued under this section after the expiration of a period of two years from the date of commencement of this Act.

Savings.

36. (1) A College having Intermediate Course which is affiliated to any University shall, for the purposes of this Act, be deemed to be a junior college.

(2) The Registered College Teachers of the Utkal University, the Berhampur University and the Sambalpur University who have been registered as such for life, shall, for the purposes of sub-section (3) of section 3, be deemed to be Registered College Teachers.

(3) The Syllabus Committees which are appointed by the Officer on Special Duty in charge of Higher Secondary Education and were holding office immediately prior to the commencement of this Act, shall be deemed to be the Syllabus Committees appointed by the Executive Committee under this Act and shall continue to hold office till the 31st day of May, 1983.

(4) The syllabi, courses of studies and text books recommended by the said Syllabus Committees shall not be varied so as to affect any examination held at any time prior to the expiry of the year 1985.

Overriding
effect of the
Act.

37. The provisions contained in this Act shall have effect notwithstanding anything to the contrary contained in any other enactment in so far as such other enactment relates to any matter which is provided for in this Act.

Repeal and
savings.

38. (1) The Orissa Higher Secondary Education Ordinance, 1982 is hereby repealed.

Orissa
Ordinance
No. 8 of
1982.

(2) Notwithstanding such repeal, any thing done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.